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EXAMINER	
ZHANG, FAN	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/528,149	KAMEI, TATSUO	
	Examiner	Art Unit	
	FAN ZHANG	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03/17/2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 March 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ___.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 19-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claims 19-24, a "program" is a functional descriptive material and a functional descriptive material per se is excluded from any of the four categories of a process, machine, manufacture, or composition of matter. Therefore, the claim subject matter, "program" is not statutory regardless its claimed functional description since it cannot be realizable without being encoded within a computer readable medium. See MPEP 2106.01 (I).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3, 6, 9, 10, 12-14, 17, 19-21, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino (US Patent: 6,201,610) and in further view of Kadota et al (US Pub: 2001/0043723).

Regarding claim 1, Ogino teaches: A print control device for controlling a printer engine that prints contents based on print data indicating the contents to be printed [abstract], comprising: a division unit operable to obtain the print data from outside the print control device, and to divide the obtained print data into a plurality of files; a storage unit having an area for storing the files; a read and write unit operable to write, into the storage unit, the plurality of files obtained by the dividing performed by the division unit, and to read out the plurality of files stored in the storage unit that correspond to the print data [col 10: lines 41-67, col 1: lines 65-67, col2: lines 1-6, figs. 13, 18, and 22]; and a file processing unit operable to output, to the printer engine, a file that has been detected by the detection unit as being read out successfully, and to cause the printer engine to print contents included in the file that has been detected as being read out successfully, out of the contents included in the print data [col 2: lines 6-14, col 9: lines 28-42, figs. 8A, 8B]. Ogino is lack of description on successful detection of data reading although it would be an inevitable step leading to outputting a stored file successfully as illustrated in figs. 8A, 8B, 13, 18, and 22. In the same field of endeavor, Kadota et al teach: a detection unit operable to detect, on a file-by-file basis, whether or not the reading has been successfully performed by the read and write unit [p0082, p0040]. Verifying successful reading of data before printing has been well known and practiced in the art as prescribed by Kadota et al. Therefore, it would have been

obvious for an ordinary skilled in the art to modify Ogino's teaching to include the detection step to verify proper reading of each data file for ensuring quality of each printed page.

Regarding claim 2, the rationale applied to the rejection of claim 1 has been incorporated herein. Ogino further teaches: the print control device according to claim 1, wherein the division unit divides the obtained print data into individual pages so as to generate, as one file, each information included in each of the pages [col 10: lines 41-49, figs. 22].

Regarding claim 3, the rationale applied to the rejection of claim 2 has been incorporated herein. Kadota et al further teach: The print control device according to claim 2, further comprising an error file processing unit operable to cause the printer engine to perform a predetermined process on a file that has been detected by the detection unit as not being read out successfully [p0040, p0043].

Regarding claim 6, the rationale applied to the rejection of claim 3 has been incorporated herein. Kadota et al further teach: The print control device according to claim 3, wherein as the predetermined process, the error file processing unit prohibits the printer engine from outputting a page corresponding to the file that has not been read out successfully [p0040, p0043].

Regarding claim 9, the rationale applied to the rejection of claim 2 has been incorporated herein. Ogino further teaches: The print control device according to claim 2, wherein the division unit (i) obtains the print data from outside the print control device, and when any of the pages included in the print data is specified, (ii) generates information included only in the specified page as a file, out of all information included in the obtained print data, and the read and write unit writes said generated file into the storage unit [col 1: lines 65-67, col 2: lines 1-38, figs. 13, 18, and 22].

Regarding claim 10, the rationale applied to the rejection of claim 9 has been incorporated herein. Kadota et al further teach: The print control device according to claim 9, wherein the detection unit specifies, to the division unit, a page corresponding to a file that has been found as not being read out successfully as a result of the detection, and the read and write unit writes, into the storage unit, the file that is generated by the division unit based on the specification, so that said generated file replaces the file that has not been read out successfully [p0021].

Regarding claims 12-14 and 17, the methods herein have been performed or executed by the corresponding apparatuses in claims 1-3 and 6. Therefore, claims 12-14 and 17 are analyzed and rejected with regard to claims 1-3 and 6 respectively.

Claims 19-21 have been analyzed and rejected with regard to claims 12-14

respectively and in accordance with Kadota et al's further teaching on: A program causing a computer to execute [p0072].

Claim 25 has been analyzed and rejected with regard to claim 1 and in accordance with Ogino's further teaching on: A printer comprising: a printer engine that prints contents based on print data indicating the contents to be printed; and a print control device that controls the printer engine [figs. 1 and 5, col 7: lines 13-33].

Regarding claims 26 and 27, the rationale applied to the rejection of claim 25 has been incorporated herein. Claims 26 and 27 have been analyzed and rejected with regard to claims 2 and 3 respectively.

5. Claims 4, 15, 22, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino (US Patent: 6,201,610) and Kadota et al (US Pub: 2001/0043723); and in further view of Aschenbrenner et al (US Patent: 6,738,153).

Regarding claim 4, the rationale applied to the rejection of claim 3 has been incorporated herein. Kadota et al discard an error page when the corresponding data are not read properly in [p0040]. In the same field of endeavor, Aschenbrenner et al teach: The print control device according to claim 3, wherein as the predetermined process, the error file processing unit causes the printer engine to output a page as a blank page, said page corresponding to the file that has not been read out successfully

[col 7: lines 27-36]. Printing a blank page when detecting an error has been well known and practiced in the art as prescribed by Aschenbrenner et al. Therefore, it would have been obvious for an ordinary skilled in the art to combine the teaching of the all to print a blank page for corrupted data for clear indication of error detected.

Regarding claim 15, the rationale applied to the rejection of claim 14 has been incorporated herein. The method has been performed or executed by the corresponding apparatus in claim 4. Therefore, claim 15 is analyzed and rejected with regard to claim 4.

Regarding claim 22, the rationale applied to the rejection of claim 21 has been incorporated herein. Claim 22 has been analyzed and rejected with regard to claim 15.

Regarding claim 28, the rationale applied to the rejection of claim 27 has been incorporated herein. Claim 28 has been analyzed and rejected with regard to claim 4.

6. Claims 5, 16, 23, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino (US Patent: 6,201,610) and Kadota et al (US Pub: 2001/0043723); and in further view of Kim (US Patent: 6,101,243).

Regarding claim 5, the rationale applied to the rejection of claim 3 has been incorporated herein. Ogino and Kadota et al do not specify printing a message page.

In the same field of endeavor, Kim teaches: The print control device according to claim 3, wherein as the predetermined process, the error file processing unit causes the printer engine to print a message onto a page corresponding to the file that has not been read out successfully, said message informing a user that the print data cannot be read out successfully [col 5: lines 30-34, col 8: lines 36-42]. Printing out error message indicating the page not being read out properly has been well practiced in the art as prescribed by Kim. Therefore, it would have been obvious for an ordinary skilled in the art to modify the combined teaching of Ogino and Kadota et al to print error message for not outputted page for warning user the failure condition.

Regarding claim 16, the rationale applied to the rejection of claim 14 has been incorporated herein. The method has been performed or executed by the corresponding apparatus in claim 5. Therefore, claim 16 is analyzed and rejected with regard to claim 5.

Regarding claim 23, the rationale applied to the rejection of claim 21 has been incorporated herein. Claim 23 has been analyzed and rejected with regard to claim 16.

Regarding claim 29, the rationale applied to the rejection of claim 27 has been incorporated herein. Claim 29 has been analyzed and rejected with regard to claim 5.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino (US Patent: 6,201,610) and Kadota et al (US Pub: 2001/0043723); and in further view of Murata (US Pub: 2004/0012806).

Regarding claim 7, the rationale applied to the rejection of claim 3 has been incorporated herein. Ogino and Kadota et al are silent about prompting user to make a selection. In the same field of endeavor, Murata teaches: The print control device according to claim 3, further comprising a process selection unit operable to prompt a user to select a process to be performed on the file that has been detected by the detection unit as not being read out successfully, wherein the error file processing unit causes the printer engine to perform the process selected by the user via the process selection unit [fig. 3]. Providing user the option for selecting a process on an error file has been well known and practiced in the art as illustrated in Murata's teaching. Therefore, it would have been obvious for an ordinary skilled in the art to combine the teaching of Ogino, Kadota et al, and Murata to allow user to select a process on an error file for the purpose of alerting user and providing user options on further processing the file.

Regarding claim 8, the rationale applied to the rejection of claim 7 has been incorporated herein. Murata further teaches: The print control device according to claim 7, wherein the process selection unit presents, as a candidate for the selection, that the contents read out by the read and write unit should be forcefully printed for the file that has not been read out successfully [fig. 3].

8. Claims 11, 18, 24, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino (US Patent: 6,201,610) and Kadota et al (US Pub: 2001/0043723); and in further view of Tsunekawa (US Pub: 2002/0015171).

Regarding claim 11, the rationale applied to the rejection of claim 1 has been incorporated herein. Ogino and Kadota et al do not divide print data into areas smaller than page. In the same field of endeavor, Tsunekawa teaches: The print control device according to claim 1, wherein the division unit divides the obtained print data into individual areas smaller than page so as to generate, as one file, each information included in each of the areas [p0075, fig. 9]. Dividing a page data into smaller individual area such as band-shape area has been well practiced in the art as prescribed by Tsunekawa. Therefore, it would have been obvious for an ordinary skilled in the art to modify the combined teaching of Ogino and Kadota et al to divide a page data into smaller area for reducing cache memory and allowing faster data transfer.

Regarding claim 18, the rationale applied to the rejection of claim 12 has been incorporated herein. The method has been performed or executed by the corresponding apparatus in claim 11. Therefore, claim 18 is analyzed and rejected with regard to claim 11.

Regarding claim 24, the rationale applied to the rejection of claim 19 has been

incorporated herein. Claim 24 has been analyzed and rejected with regard to claim 18.

Regarding claim 30, the rationale applied to the rejection of claim 25 has been incorporated herein. Claim 30 has been analyzed and rejected with regard to claim 11.

Contact

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fan Zhang whose telephone number is (571) 270-3751. The examiner can normally be reached on Mon-Fri from 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark K. Zimmerman can be reached on (571) 272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fan Zhang/

Patent Examiner

/Mark K Zimmerman/

Supervisory Patent Examiner, Art Unit 2625